

1 SILVANO B. MARCHESI (SBN 42965)  
County Counsel  
2 GREGORY C. HARVEY(SBN 47974)  
Assistant County Counsel  
3 COUNTY OF CONTRA COSTA  
651 Pine Street, 9th Floor  
4 Martinez, California 94553  
Telephone: (925) 335-1800  
5 Facsimile: (925) 335-1866  
email: [gharv@cc.cccounty.us](mailto:gharv@cc.cccounty.us)

6 Attorneys for Defendants  
7 CITY OF SAN RAMON

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11  
12 ABHINAV BHATNAGAR,

13 Plaintiff

14 v.

15 JASON INGRASSIA, COUNTY OF  
16 CONTRA COSTA, and CITY OF SAN  
RAMON,

17 Defendants.

Case No. C07-02669 EMC

ANSWER OF CITY OF SAN RAMON TO  
PLAINTIFF'S COMPLAINT and DEMAND  
FOR JURY TRIAL

18  
19  
20  
21 Defendant, CITY OF SAN RAMON, hereby appears in this action, demands a jury  
22 trial, and answers the complaint of Abhinav Bhatnagar, as follows:

23 1. Answering paragraph 1 of Plaintiff's complaint, Defendant CITY OF SAN RAMON  
24 (hereinafter "Defendant") responds to the allegations in paragraph 1 of Plaintiffs complaint by  
25 admitting that Abhinav Bhatnagar was arrested at a gas station in San Ramon in May of 2006  
26 by Jason Ingrassia for driving under the influence. Said defendant further admits that Abhinav  
27 Bhatnagar was stopped and issued a citation by Jason Ingrassia approximately four months  
28 later for an illegal u-turn. Defendant also admits that the driving under the influence charge

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1 and the citation for an illegal u-turn were subsequent dismissed by judicial officers. Except as  
2 specifically admitted herein, Defendant CIT Y OF SAN RAMON denies the remaining  
3 allegations of paragraph 1 of Plaintiff's complaint.

4  
5 2. Answering paragraph 2 of Plaintiff's complaint, Defendant lacks sufficient  
6 information or belief to admit or deny the allegations of paragraph 2 of Plaintiff's complaint  
7 and therefore denies said allegations.

8  
9 3. Answering paragraph 3 of Plaintiff's complaint, Defendant lacks sufficient  
10 information or belief to admit or deny the allegations of paragraph 3 of Plaintiff's complaint  
11 and therefore denies said allegations.

12  
13 4. Answering paragraph 4 of Plaintiff's complaint, Defendant admits that this court has  
14 jurisdiction of this matter pursuant to 28 U.S.C. § 1331. Defendant denies that the Plaintiff's  
15 complaint provides a basis for jurisdiction under 28 U.S.C. § 1343.

16  
17 5. Answering paragraph 5 of Plaintiff's complaint, Defendant admits that venue is  
18 appropriate in the Northern District of California.

19  
20 6. Answering paragraph 6 of Plaintiff's complaint, Defendant admits that this court has  
21 supplemental jurisdiction over the causes of action brought under state law which arise from  
22 common operative facts to the federal claim.

23  
24 7. Answering paragraph 7 of Plaintiff's complaint, Defendant admits that the arrest and  
25 citation of Plaintiff occurred in the City of San Ramon. Defendant denies the remaining  
26 factual allegations of paragraph 7 of the Plaintiff's complaint.

27  
28 8. Answering paragraph 8 of Plaintiff's complaint, Defendant lacks sufficient

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1 information to admit or deny the allegations of paragraph 8 of Plaintiff's complaint and  
2 therefore, based on a lack of information or belief, denies said allegations of descent or  
3 residence.

4  
5 9. Answering paragraph 9 of Plaintiff's complaint, Defendant admits that Jason  
6 Ingrassia is a Caucasian male and is employed as a deputy sheriff by the County of Contra  
7 Costa. The defendant admits that the County of Contra Costa provides police services to the  
8 City of San Ramon under contract and that Deputy Ingrassia was assigned to provide such  
9 services to the City of San Ramon as an employee of the Sheriff's Department. The defendant  
10 denies the remaining factual allegations of paragraph 9 of the Plaintiff's complaint.

11  
12 10. Answering paragraph 10 of Plaintiff's complaint, Defendant admits that the County  
13 of Contra Costa is a California County created by the Constitution of the State of California  
14 and that the Sheriff's Department is a County agency. Deputy Ingrassia is an employee of the  
15 County of Contra Costa Sheriff's Department and as such is entitled by statute to a defense  
16 and indemnification of general damages under the provisions of the California Government  
17 Code for legal claims based upon acts or omissions arising in the scope of his employment.  
18 Defendant admits that the training, supervision and discipline of Sheriff's deputies is the  
19 responsibility of Contra Costa County Sheriff's Department. Defendant denies the remaining  
20 factual allegations of paragraph 10 of the Plaintiff's complaint.

21  
22 11. Answering paragraph 11 of Plaintiff's complaint, Defendant admits that the City of  
23 San Ramon is a municipal corporation. Defendant denies that the City of San Ramon was the  
24 employer of Deputy Ingrassia or had responsibility for his training, supervision, or discipline  
25 as alleged in paragraph 11 of the Plaintiff's complaint.

26  
27 12. Answering paragraph 12 of Plaintiff's complaint, Defendant admits that, in the  
28 arrest and citation of Mr. Bhatnagar, Deputy Ingrassia was acting under color of law.

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1 Defendant denies the remaining factual allegations of paragraph 12 of the Plaintiff's  
2 complaint.

3  
4 13. Answering paragraph 13 of Plaintiff's complaint, Defendant admits that Plaintiff  
5 was already in the gas station when Ingrassia pulled into the gas station where Plaintiff was  
6 ultimately arrested; however, Defendant is informed and believes and, based on said  
7 information and belief, alleges that Ingrassia observed Plaintiff make an illegal u-turn and  
8 followed him into the gas station to make a traffic stop. Defendant lacks sufficient information  
9 or belief to admit or deny the allegations of paragraph 13 of Plaintiff's complaint, and, based  
10 on said lack of information or belief, denies the remaining allegations of paragraph 13 of  
11 Plaintiff's complaint.

12  
13 14. Answering paragraph 14 of Plaintiff's complaint, Defendant lacks sufficient  
14 information or belief to admit or deny the allegations of paragraph 14 of Plaintiff's complaint  
15 and, based upon such lack of information or belief, denies said allegations.

16  
17 15. Answering paragraph 15 of Plaintiff's complaint, Defendant lacks sufficient  
18 information or belief to admit or deny the allegations of paragraph 15 of Plaintiff's complaint  
19 and, based upon such lack of information or belief, denies said allegations.

20  
21 16. Answering paragraph 16 of Plaintiff's complaint, Defendant lacks sufficient  
22 information or belief to admit or deny the allegations of paragraph 16 of Plaintiff's complaint  
23 and, based upon such lack of information or belief, denies said allegations.

24  
25 17. Answering paragraph 17 of Plaintiff's complaint, Defendant lacks sufficient  
26 information or belief to admit or deny the allegations of paragraph 17 of Plaintiff's complaint  
27 and, based upon such lack of information or belief, denies said allegations.

28  

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1           18. Answering paragraph 18 of Plaintiff's complaint, Defendant admits that Plaintiff  
2 was held in custody as a result of his arrest for driving under the influence. Defendant lacks  
3 sufficient information or belief to admit or deny the remaining allegations of paragraph 14 of  
4 Plaintiff's complaint and, based upon such lack of information or belief, denies said  
5 allegations.

6  
7           19. Answering paragraph 19 of Plaintiff's complaint, Defendant lacks sufficient  
8 information or belief to admit or deny the allegations of paragraph 19 of Plaintiff's complaint  
9 and, based upon such lack of information or belief, denies said allegations.

10  
11           20. Answering paragraph 20 of Plaintiff's complaint, Defendant lacks sufficient  
12 information or belief to admit or deny the allegations of paragraph 20 of Plaintiff's complaint  
13 and, based upon such lack of information or belief, denies said allegations.

14  
15           21. Answering paragraph 21 of Plaintiff's complaint, Defendant admits that a deputy  
16 public defender made a request for an investigation of Deputy Ingrassia and that said deputy  
17 also claimed that unidentified phone calls had been made. Defendant lacks sufficient  
18 information or belief to admit or deny the remaining allegations of paragraph 21 of Plaintiff's  
19 complaint and, based upon such lack of information or belief, denies said allegations.

20  
21           22. Answering paragraph 22 of Plaintiff's complaint, Defendant lacks sufficient  
22 information or belief to admit or deny the allegations of paragraph 22 of Plaintiff's complaint  
23 and, based upon such lack of information or belief, denies said allegations.

24  
25           23. Answering paragraph 23 of Plaintiff's complaint, Defendant admits that more than  
26 four months after Mr. Bhatnagar was arrested for driving under the influence, Deputy Ingrassia  
27 made a traffic stop of Mr. Bhatnagar's vehicle. Defendant lacks sufficient information or  
28 belief to admit or deny the remaining allegations of paragraph 23 of Plaintiff's complaint and,

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1 based upon such lack of information or belief, denies said allegations.

2  
3 24. Answering paragraph 24 of Plaintiff's complaint, Defendant admits at the time of  
4 the traffic stop that Deputy Ingrassia issued Mr. Bhatnagar a citation for an illegal u-turn.  
5 Defendant lacks sufficient information or belief to admit or deny the remaining allegations of  
6 paragraph 24 of Plaintiff's complaint and, based upon such lack of information or belief,  
7 denies said allegations.

8  
9 25. Answering paragraph 25 of Plaintiff's complaint, Defendant lacks sufficient  
10 information or belief to admit or deny the allegations of paragraph 25 of Plaintiff's complaint  
11 and, based upon such lack of information or belief, denies said allegations.

12  
13 26. Answering paragraph 26 of Plaintiff's complaint, Defendant lacks sufficient  
14 information or belief to admit or deny the allegations of paragraph 26 of Plaintiff's complaint  
15 and, based upon such lack of information or belief, denies said allegations.

16  
17 27. Answering paragraph 27 of Plaintiff's complaint, Defendant lacks sufficient  
18 information or belief to admit or deny the allegations of paragraph 27 of Plaintiff's complaint  
19 and, based upon such lack of information or belief, denies said allegations.

20  
21 28. Answering paragraph 28 of Plaintiff's complaint, Defendant lacks sufficient  
22 information or belief to admit or deny the allegations of paragraph 28 of Plaintiff's complaint  
23 and, based upon such lack of information or belief, denies said allegations.

24  
25 29. Answering paragraph 29 of Plaintiff's complaint, Defendant admits that  
26 representatives of Bhatnagar advised internal affairs investigators of the Sheriff's Department  
27 that the charges against Plaintiff were dismissed based on unfavorable findings regarding  
28 Ingrassia's credibility.

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1           30. Answering paragraph 30 of Plaintiff's complaint, Defendant admits that  
2 representatives of Bhatnagar advised internal affairs investigators of the dismissal of Eli Case  
3 by letter. Defendant lacks information and belief as to the remaining allegations of paragraph  
4 30 of Plaintiff's complaint and based, on said lack of information and belief, denies said  
5 allegations.

6  
7           31. Answering paragraph 31 of Plaintiff's complaint, Defendant lacks sufficient  
8 information or belief to admit or deny the allegations of paragraph 31 of Plaintiff's complaint  
9 and, based upon such lack of information or belief, denies said allegations.

10  
11           32. Answering paragraph 32 of Plaintiff's complaint, Defendant admits the allegation  
12 of paragraph 32 of the Plaintiff's complaint.

13  
14           33. Answering paragraph 33 of Plaintiff's complaint, Defendant denies the allegations  
15 of paragraph 33 of the Plaintiff's complaint.

16  
17           34. Answering paragraph 34 of Plaintiff's complaint, Defendant denies the allegations  
18 of paragraph 34 of the Plaintiff's complaint.

19  
20           35. Answering paragraph 35 of Plaintiff's complaint, Defendant admits that Plaintiff  
21 filed a timely government tort claim with the County and exhausted his state law tort claim  
22 requirements as to the County as to the state law claims alleged in the complaint. Defendant  
23 lacks sufficient information and belief as to the remaining allegations of paragraph 35 and,  
24 based on said lack of information or belief, denies said allegations.

25  
26           36. Answering paragraph 36 of Plaintiff's complaint, Defendant lacks sufficient  
27 information or belief to admit or deny the allegations of paragraph 36 of Plaintiff's complaint  
28 and, based upon such lack of information or belief, denies said allegations.

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1           37. Answering paragraph 37 of Plaintiff's complaint, Defendant lacks sufficient  
2 information or belief to admit or deny the allegations of paragraph 37 of Plaintiff's complaint  
3 and, based upon such lack of information or belief, denies said allegations.

4  
5           38. Answering paragraph 38 of Plaintiff's complaint, Defendant lacks sufficient  
6 information or belief to admit or deny the allegations of paragraph 38 of Plaintiff's complaint  
7 and, based upon such lack of information or belief, denies said allegations.

8  
9           39. Answering paragraph 39 of Plaintiff's complaint, Defendant incorporates by  
10 reference its responses to the allegations incorporated by reference in paragraph 39 of  
11 Plaintiffs complaint.<sup>1</sup>

12  
13           40. Answering paragraph 40 of Plaintiff's complaint, Defendant lacks sufficient  
14 information or belief to admit or deny the allegations of paragraph 40 of Plaintiff's complaint  
15 and, based upon such lack of information or belief, denies said allegations.

16  
17           41. Answering paragraph 41 of Plaintiff's complaint, Defendant admits that the general  
18 rights elucidated in 40 (a) - (f) are rights protected under the constitution and laws of the  
19 United States. Defendant lacks sufficient information and belief to admit or deny that these  
20 rights were violated in this case, and therefore denies that they were violated.

21  
22           42. Answering paragraph 42 of Plaintiff's complaint, Defendant lacks sufficient  
23 information or belief to admit or deny the allegations of paragraph 42 of Plaintiff's complaint  
24 and, based upon such lack of information or belief, denies said allegations.

25  
26  
27           <sup>1</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
28 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 39, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.



1           43. Answering paragraph 43 of Plaintiff's complaint, Defendant incorporates by  
2 reference its responses to the allegations incorporated by reference in paragraph 43 of  
3 Plaintiff's complaint.<sup>2</sup>

4  
5           44. Answering paragraph 44 of Plaintiff's complaint, Defendant denies the allegations  
6 of paragraph 44 of Plaintiff's complaint.

7  
8           45. Answering paragraph 45 of Plaintiff's complaint, Defendant lacks sufficient  
9 information or belief to admit or deny the allegations of paragraph 45 of Plaintiff's complaint  
10 and, based upon such lack of information or belief, denies said allegations.

11  
12           46. Answering paragraph 46 of Plaintiff's complaint, Defendant denies the allegations  
13 of paragraph 46 of Plaintiff's complaint.

14  
15           47. Answering paragraph 47 of Plaintiff's complaint, Defendant denies the allegations  
16 of paragraph 47 of Plaintiff's complaint.

17  
18           48. Answering paragraph 48 of Plaintiff's complaint, Defendant denies the allegations  
19 of paragraph 48 of Plaintiff's complaint

20  
21           49. Answering paragraph 49 of Plaintiff's complaint, Defendant incorporates by  
22 reference its responses to the allegations incorporated by reference in paragraph 49 of  
23

24  
25  
26  
27           <sup>2</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
28 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 43, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.

1 Plaintiff's complaint.<sup>3</sup>

2  
3 50. Answering paragraph 50 of Plaintiff's complaint, Defendant denies the allegations  
4 of paragraph 50 of Plaintiff's complaint.

5  
6 51. Answering paragraph 51 of Plaintiff's complaint, Defendant denies that there is any  
7 County policy supporting, encouraging or allowing retaliatory actions for complaints about  
8 law enforcement activities. Defendant lacks sufficient information or belief to admit or deny  
9 the remaining allegations of paragraph 51 of Plaintiff's complaint and, based upon such lack of  
10 information or belief, denies said allegations.

11  
12 52. Answering paragraph 52 of Plaintiff's complaint, Defendant denies the allegations  
13 of paragraph 52 of Plaintiff's complaint.

14  
15 53. Answering paragraph 53 of Plaintiff's complaint, Defendant denies the allegations  
16 of paragraph 53 of Plaintiff's complaint.

17  
18 54. Answering paragraph 54 of Plaintiff's complaint, Defendant incorporates by  
19 reference its responses to the allegations incorporated by reference in paragraph 54 of  
20 Plaintiff's complaint.<sup>4</sup>

21  
22 55. Answering paragraph 55 of Plaintiff's complaint, Defendant denies the allegations

---

23  
24 <sup>3</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
25 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 49, and  
26 therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
27 complaint.

28 <sup>4</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 54, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.

1 of paragraph 55 of Plaintiff's complaint.

2  
3 56. Answering paragraph 56 of Plaintiff's complaint, Defendant admits that the County  
4 receives federal funding for law enforcement. Defendant lacks sufficient information or belief  
5 to admit or deny the allegations of paragraph 56 in relation to the City of San Ramon and,  
6 based on said lack of information and belief, denies said allegations.

7  
8 57. Answering paragraph 57 of Plaintiff's complaint, Defendant denies the allegations  
9 of paragraph 57 of Plaintiff's complaint.

10  
11 58. Answering paragraph 58 of Plaintiff's complaint, Defendant incorporates by  
12 reference its responses to the allegations incorporated by reference in paragraph 58 of  
13 Plaintiff's complaint.<sup>5</sup>

14  
15 59. Answering paragraph 59 of Plaintiff's complaint, Defendant lacks sufficient  
16 information or belief to admit or deny the allegations of paragraph 59 of Plaintiff's complaint  
17 and, based upon such lack of information or belief, denies said allegations.

18  
19 60. Answering paragraph 60 of Plaintiff's complaint, Defendant denies the allegations  
20 of paragraph 60 of Plaintiff's complaint.

21  
22 61. Answering paragraph 61 of Plaintiff's complaint, Defendant incorporates by  
23 reference its responses to the allegations incorporated by reference in paragraph 61 of

24  
25  
26  
27 <sup>5</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
28 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 58, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.

1 Plaintiff's complaint.<sup>6</sup>

2  
3 62. Answering paragraph 62 of Plaintiff's complaint, Defendant lacks sufficient  
4 information or belief to admit or deny the allegations of paragraph 62 of Plaintiff's complaint  
5 and, based upon such lack of information or belief, denies said allegations.

6  
7 63. Answering paragraph 63 of Plaintiff's complaint, Defendant denies the allegations  
8 of paragraph 63 of Plaintiff's complaint.

9  
10 64. Answering paragraph 64 of Plaintiff's complaint, Defendant incorporates by  
11 reference its responses to the allegations incorporated by reference in paragraph 64 of  
12 Plaintiff's complaint.<sup>7</sup>

13  
14 65. Answering paragraph 65 of Plaintiff's complaint, Defendant denies the allegations  
15 of paragraph 65 of Plaintiff's complaint.

16  
17 66. Answering paragraph 66 of Plaintiff's complaint, Defendant denies the allegations  
18 of paragraph 66 of Plaintiff's complaint.

19  
20 67. Answering paragraph 67 of Plaintiff's complaint, Defendant incorporates by  
21 reference its responses to the allegations incorporated by reference in paragraph 67 of

22  
23 \_\_\_\_\_  
24 <sup>6</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
25 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 61, and  
26 therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
27 complaint.

28 <sup>7</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 64, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.

1 Plaintiff's complaint.<sup>8</sup>

2  
3 68. Answering paragraph 68 of Plaintiff's complaint, Defendant denies the allegations  
4 of paragraph 68 of Plaintiff's complaint.

5  
6 69. Answering paragraph 69 of Plaintiff's complaint, Defendant denies the allegations  
7 of paragraph 69 of Plaintiff's complaint.

8  
9 70. Answering paragraph 70 of Plaintiff's complaint, Defendant incorporates by  
10 reference its responses to the allegations incorporated by reference in paragraph 70 of  
11 Plaintiff's complaint.<sup>9</sup>

12  
13 71. Answering paragraph 71 of Plaintiff's complaint, Defendant denies that the CITY,  
14 as a public entity, can be directly liable to Plaintiff for general negligence under California law  
15 absent a mandatory duty expressed by statute which satisfies the provisions of Government  
16 Code section 815.6. The Plaintiff has failed to identify any such statute in their cause of action  
17 for "negligence." Absent identification of a particular statute upon which to base a mandatory  
18 duty, Defendant lacks sufficient information or belief to admit or deny the allegations of  
19 paragraph 71 and, based on said lack of information or belief, Defendant denies said  
20 allegations.

21  
22 72. Answering paragraph 72 of Plaintiff's complaint, Defendant denies that it

23  
24 <sup>8</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
25 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 67, and  
26 therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
27 complaint.

28 <sup>9</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 70, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.

1 breached any duty owed to Plaintiff. Defendant lacks sufficient information or belief to admit  
2 or deny or deny the remaining allegations of paragraph 72 and, based on said lack of  
3 information or belief, denies said allegations.

4  
5 73. Answering paragraph 73 of Plaintiff's complaint, Defendant denies the allegations  
6 of paragraph 73 of Plaintiff's complaint.

7  
8 74. Answering paragraph 74 of Plaintiff's complaint, Defendant incorporates by  
9 reference its responses to the allegations incorporated by reference in paragraph 74 of  
10 Plaintiff's complaint.<sup>10</sup>

11  
12 75. Answering paragraph 75 of Plaintiff's complaint, Defendant denies the allegations  
13 of paragraph 75 of Plaintiff's complaint.

14  
15 76. Answering paragraph 76 of Plaintiff's complaint, Defendant denies the allegations  
16 of paragraph 76 of Plaintiff's complaint.

17  
18 **AFFIRMATIVE DEFENSES**

19 1. As its first affirmative defense, the City of San Ramon alleges that Plaintiff's fourth  
20 cause of action brought under Title VI does not state facts upon which a claim for relief may  
21 be based in that the Plaintiff is not a person who is a beneficiary of federal funds for law  
22 enforcement.

23 2. As its second affirmative defense, the City of San Ramon alleges that Plaintiff's  
24 fourth cause of action brought under Title VI does not state facts upon which a claim for relief  
25

26  
27 <sup>10</sup> Because the plaintiff has not specified which paragraphs he is incorporating, defendant is  
28 uncertain as to what allegations are actually being incorporated into plaintiff's paragraph 74, and  
therefore as a matter of precaution incorporates all its responses and affirmative defenses to plaintiffs  
complaint.

1 may be based in that the Plaintiff did not exhaust available administrative remedies.

2  
3 3. As its third affirmative defense, the City of San Ramon alleges that Plaintiff's fifth  
4 cause of action for malicious prosecution, seventh cause of action for abuse of process, the  
5 eighth cause of action for violation of civil code section 52.1, the ninth cause of action for  
6 negligence, and tenth cause of action for infliction of emotional distress, both individually and  
7 collectively, do not state facts upon which a claim for relief against a public entity can be  
8 based under state law because a public entity is statutorily immune for acts or omissions of its  
9 employees in the institution of legal proceedings pursuant to Government Code section 821.6,  
10 an immunity made applicable to a public entity pursuant to Government Code section 815.2.

11  
12 4. As its fourth affirmative defense, the City of San Ramon alleges that Plaintiff's state  
13 law claims with the sole exception of false arrest claim in this action do not state facts upon  
14 which a claim for relief against a public entity may be based under California law because the  
15 defendants are immune from liability pursuant to Government Code section 821.6 and  
16 Government Code section 815.2.

17  
18 5. As its fifth affirmative defense, the City of San Ramon alleges that Plaintiff has  
19 failed to mitigate his damages, and said damages are reduced or eliminated in proportion to  
20 said failure to mitigate.

21  
22 6. As its sixth affirmative defense, the City of San Ramon alleges that Plaintiff has  
23 failed to exhaust administrative remedies, and his claims are barred thereby.

24  
25 7. As its seventh affirmative defense, the City of San Ramon is informed and believes  
26 and, based on said information and belief, alleges that Plaintiff acted unjustly and inequitably,  
27 and his action against said Defendants is therefore barred by the doctrine of unclean hands.

28  

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL

1           8. As its eighth affirmative defense, the City of San Ramon alleges that Defendant is  
2 immune from civil liability for the state law claims based on the Sheriff's Department  
3 investigation of Jason Ingrassia pursuant to the provisions of Government Code sections 821.6  
4 and 815.2, in that the decision of whether to impose discipline on a public employee peace  
5 officer is part of a decision of whether or not to institute an administrative proceeding. Further,  
6 Jason Ingrassia was the employee of the County, not the City.

7  
8           9. As its ninth affirmative defense, the City of San Ramon alleges that Defendant is  
9 immune from civil liability for the state law claims based on the investigation of the Plaintiff's  
10 complaint against Jason Ingrassia pursuant to the immunity provided by Government Code  
11 sections 820.2 and 815.2, in that the decision of whether to impose discipline on a public  
12 employee is based on the exercise of discretion based on a weighing of the evidence presented  
13 to the investigating internal affairs officers. Further, Jason Ingrassia was the employee of the  
14 County, not the City.

15  
16           10. As its tenth affirmative defense, the City of San Ramon alleges that Defendant is  
17 immune from civil liability for the state law claims pursuant to the provisions of Government  
18 Code Section 818.2 and 820.4 in that the acts alleged in the complaint involved the  
19 enforcement of laws.

20  
21           11. As its eleventh affirmative defense, the City of San Ramon alleges that Defendant  
22 is immune from civil liability for the state law claims pursuant to Government Code section  
23 818.8 for any injury caused by the misrepresentation by an employee of the County, whether  
24 such misrepresentation be negligent or intentional.

25  
26           12. As its twelfth affirmative defense, the City of San Ramon alleges that Defendant is  
27 immune from civil liability for the state law claims pursuant to the immunities and defenses  
28 contained in Government Code Sections 810 through 898.5.

---

ANSWER OF DEFENDANT CITY OF SAN RAMON TO PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL



